IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 22ND MARCH 2007 / 1ST CHAITHRA 1929

WP(C).No. 31588 of 2006(I)

PETITIONER:

GRACE LAL, AGED 51,
W/O.LAL G.GEORGE, CHOTHIRAKUNNEL HOUSE,
THOTTACKADU P.O., CHANGANACHERRY TALUK,
KOTTAYAM DISTRICT.

BY ADV. SRI.JACOB GEORGE (PATHAZHAKKUZHIKAL)
SRI.JOSEPH A.VADAKKEL
SRI.GEORGE KARITHANAM VARGHESE
SRI.V.J.JOHN

RESPONDENTS:

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1. **THE KERALA STATE ELECTRICITY BOARD,**
   REP. BY THE CHIEF ENGINEER,
   PATTOM, THIRUVANANTHAPURAM.

2. **THE DEPUTY CHIEF ENGINEER,**
   ELECTRICAL CIRCLE (K.S.E.B.),
   PAKKIL P.O., KOTTAYAM-12.

3. **THE ASSISTANT EXECUTIVE ENGINEER,**
   ELECTRICAL MAJOR SECTION, KARUKACHAL,
   CHANGANACHERRY TALUK, KOTTAYAM DISTRICT,
   PIN-686 540.

4. **THE ASSISTANT ENGINEER,**
   ELECTRICAL SECTION, KARUKACHAL,
   CHANGANACHERRY TALUK, KOTTAYAM DISTRICT,
   PIN-686 540.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P. C.31588/2006

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE DEMAND CUM DISCONNECTION NOTICE AS PER BILLINVOICE NO.XI NO. 01463 DT.10.11.06 FOR AN AMOUNT OF RS.48,073/- IN RESPECT OF CONSUMER NUMBER 2819.

EXT.P2:- COPY OF THE PETITION DT.10.11.06 IN RESPECT OF CONSUMER NO.2819 ADDRESSED TO THE ASSISTANT EXECUTIVE ENGINEER, KERALA STATE ELECTRICITY BOARD, KARUKACHAL.

EXT.P3:- COPY OF THE REGULAR MONTHLY BILL/INVOICE DT.15.2.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF JANUARY 05 FOR AN AMOUNT OF RS.17,256/-.

EXT.P3(a):- COPY OF THE RECEIPT DT.15.2.05 FOR AN AMOUNT OF RS.17,256/-IN RESPECT OF CONSUMER NO.2819.

EXT.P4:- COPY OF THE REGULAR MONTHLY BILL/INVOICE NO.XI NO.12866 DT.14.3.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF FEBRUARY , 05 FOR AN AMOUNT OF RS.11,439/-.

EXT.P4(a):- COPY OF THE RECEIPT DT.14.3.05 FOR AN AMOUNT OF RS.11,439/- IN RESPECT OF CONSUMER NO.2819.

EXT.P5:- COPY OF THE REGULAR MONTHLY BILL/INVOICE DT.15.4.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF MARCH 2005 FOR AN AMOUNT OF RS.18,295/-.

EXT.P5(a):- COPY OF THE RECEIPT DT.15.4.05 FOR AN AMOUNT OF RS.18,295/- IN RESPECT OF CONSUMER NO.2819.

EXT.P6:- COPY OF THE REGULAR MONTHLY BILLINVOICE NO.06311 DT.15.5.05 IN RESPECTOF CONSUMER NO.2819 FOR THE MONTH OF APRIL 2005 FOR AN AMOUNT OF RS.15,987/-.

EXT.P6(a):- COPY OF THE RECEIPT DT.15.5.05 FOR AN AMOUNT OF RS.15,987/- IN RESPECT OF CONSUMER NO.2819.

EXT.P7:- COPY OF THE REGULAR MONTHLY BILLINVOICE DT.15.6.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF MAY 2005 FOR AN AMOUNT OF RS.16,149/-.

EXT.P7(a):- COPY OF THE RECEIPT DT.15.6.05 FOR AN AMOUNT OF RS.16,149/- IN RESPECT OF CONSUMER NIO.2819.

EXT.P8:- COPY OF THE REGULAR MONTHLY BILLINVOICE NO.XR NO.83310 DT.15.7.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF JUNE, 05 FOR AN AMOUNT OF RS.16,004/-.

EXT.P8(a):- COPY OF THE RECEIPT DT.15.7.05 FOR AN AMOUNT OF RS.16,004/- IN RESPECT OF CONSUMER NO.2819.

W.P.(C) NO.31588/2006

EXT.P9:- COPY OF THE REGULAR MONTHLY BILLINVOICE NO.XR NO.866120 DT.16.8.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF JULY 05 FOR AN AMOUNT OF RS.16,067/-

EXT.P9(a):- COPY OF THE RECEIPT DT.16.8.05 FOR AN AMOUNT OF RS.16,067/- IN RESPECT OF CONSUMER NO.2819.

EXT.P10:- COPY OF THE REGULAR MONTHLY BILLINVOICE DT.16.9.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF AUGUST 2005 FOR AN AMOUNT OF RS.16,079/-.

EXT.P10(a):- COPY OF THE RECEIPT DT.16.9.05 FOR AN AMOUNT OF RS.16,079/- IN RESPECT OF CONSUMER NO.2819.

EXT.P11:- COPY OF THE REGULAR MONTHLY BILLINVOICE NO.XI.NO.13010 DT.14.10.05 IN RESPECT OF CONSUMER NO.2819 FOR THE MONTH OF SEPTEMBER 2005 FOR AN AMOUNT OF RS.16,081/-

EXT.P11(a):- COPY OF THE RECEIPT DT.14.10.05 FOR AN AMOUNT OF RS.16,081/- IN RESPECT OF CONSUMER NO.2819.

/TRUE COPY/

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K.BALAKRISHNAN NAIR, J.

W.P.(C).No.31588 OF 2007-I

Dated this the 22nd day of March, 2007

JUDGMENT

The petitioner is aggrieved by Ext.P1 bill stated to be issued to make good the short assessment. He has already filed Ext.P2 objection. It is an objection filed by the party himself and therefore, several legal contentions available to the petitioner taken in the writ petition do not find a place in the objection. So, the petitioner may file supplementary contentions raising all his objection to Ext.P1. If the petitioner files the objection within two weeks from today, In that event the 4th respondent will consider the matter, in accordance with law, after affording an opportunity of being heard to the petitioner pass appropriate orders finalising the amount to be collected from the petitioner towards short assessment., within one month. If the petitioner is aggrieved by that order, he has further right to move the Consumer Disputes Redressal Forum under the K.S.E.B. and thereafter to Ombudsman also. In view of the hierarchy of authorities vested with powers to redress his grievances, it is unnecessary for this Court to consider the matter on merits, at this stage. All the contentions of the petitioner are left open. Since the petitioner has already paid 50% of the disputed bill amount, no further recovery shall be made before the matter is decided by the 4th respondent.

The Writ Petition is disposed of as above.

K.BALAKRISHNAN NAIR, JUDGE.

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